



INTERIOR BOARD OF INDIAN APPEALS

Village of Hobart, Wisconsin v. Midwest Regional Director, Bureau of Indian Affairs

53 IBIA 221 (06/21/2011)

Reconsideration Denied:

54 IBIA 18



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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VILLAGE OF HOBART, WISCONSIN,)	Order Vacating Decision and Remanding
Appellant,)	
)	
v.)	
)	Docket No. IBIA 11-083
MIDWEST REGIONAL DIRECTOR,)	
BUREAU OF INDIAN AFFAIRS,)	
Appellee.)	June 21, 2011

The Village of Hobart, Wisconsin (Village), appealed to the Board of Indian Appeals (Board) from a February 2, 2011, decision of the Midwest Regional Director (Regional Director), Bureau of Indian Affairs, in which the Regional Director agreed to take fee property — identified by tax parcel numbers HB-1480 (formerly known as the American General Finance property), HB-1415-1 (formerly known as the Danforth property), HB-1371-7 (formerly known as the Gray property), and HB-543-3 (formerly known as the Hock property), all located in the Town of Hobart, Brown County, Wisconsin — into trust for the Oneida Tribe of Indians of Wisconsin (Tribe).

On June 20, 2011, the Board received a Motion for Remand from the Regional Director, in which she requests that the Board remand this matter to her for further consideration.

Although the Regional Director's motion does not request the Board to vacate her decision, the Board's practice is to do so to avoid issues that could arise should the Regional Director ultimately decline to issue a new decision after remand.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Regional Director's February 2, 2011,

decision is vacated, this matter is remanded to her for further consideration, and the Village's appeal is dismissed.¹

I concur:

// original signed
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge

¹ This remand affects only the decision to accept the four properties, identified above, into trust. The Village's appeals of other fee-to-trust land acquisitions decisions by the Regional Director remain pending before the Board. *See, e.g., Village of Hobart v. Midwest Regional Director*, Docket Nos. IBIA 11-045, 11-002, 10-131, and others.